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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,607	05/16/2007	Paul Tapper	0240-003	2245
42015 7590 10/20/2008 POTOMAC PATENT GROUP PLLC P. O. BOX 270 FREDERICKSBURG, VA 22404				
EXAMINER				
ESTRADA, ANGEL R				
ART UNIT		PAPER NUMBER		
2831				
NOTIFICATION DATE		DELIVERY MODE		
10/20/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

# Office Action Summary

**Application No.**

10/590,607

**Applicant(s)**

TAPPER, PAUL

**Examiner**

Angel R. Estrada

**Art Unit**

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.  
7) ☒ Claim(s) 15-19 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date 1/26/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Finality Withdrawn**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Misorita et al (JP 06231642A; hereinafter Misorita).

Regarding claim 1, Misorita discloses a covering (1) for cable entry device for providing sealing in a space between a cable (3) and a material (see figure 4) surrounding the device, comprising a first (19) and a second sealing (17) member which are formed by a recess of the outer periphery of the covering (1), for receiving said material (see figure 4) therebetween, wherein the first sealing member (19) provides a biasing force on the covering (1) when inserted into a hole of said material (see figure 4), a first wall portion (see figure 1) extends from a connection point of the first sealing member (19) and faces the first sealing member (see figure 1), and the second sealing member (17) extends radially beyond the first wall portion (see figure 1); and the

connection point of the first sealing member (19) is positioned at a larger radius than a connection point of the second sealing member (17, see figure 1).

Regarding claim 2, Misorita discloses the covering (1), wherein the first (19) and second (17) sealing members are flexibly connected to the covering (see figure 2).

Regarding claim 4, Misorita discloses the covering (1), wherein free ends of the first (19) and second (17) sealing members abut a first and a second side of the surrounding material (see figure 4), respectively, when the covering (1) is inserted into a hole therein (see figure 4).

Regarding claim 5, Misorita discloses the covering (1), wherein the first sealing member (19) extends outwardly from a first end of the covering towards the second sealing member (17) and the second sealing member (17) extends outwardly from a second end of the covering towards the first sealing member (see figure 1).

Regarding claim 6, Misorita discloses the covering (1), wherein the covering (1) comprises means for temporarily receiving the second sealing member (17) during insertion into a hole (see figure 4).

Regarding claim 7, Misorita discloses the covering (1), wherein the means for temporarily receiving the second sealing member (17) comprises a recess of the covering having a depth corresponding to the thickness of the second sealing member (see figure 4).

Regarding claim 8, Misorita discloses the covering (1) wherein the means for temporarily receiving the sealing member comprises an irregular surface (see figure 1) of the covering (1) having a first and a second portion, the first portion having a

diameter corresponding to the diameter of the hole (see figure 4), to which the device is dimensioned for, and the diameter of the second portion plus twice the thickness of the second sealing member correspond to the diameter of said hole (see figure 4).

Regarding claim 9, Misorita discloses the covering (1), wherein the second portion (see figure 1) will extend at least partially through the hole when the covering is inserted therein (see figure 4).

Regarding claim 10, Misorita discloses a use of the covering (1) as a cable entry device (see figure 1).

Regarding claim 11, Misorita discloses the covering (1), wherein a distance between the connection point of the first sealing member (19) and a free end of the first sealing member (see figure 1) is substantially the same as an axial length of the first wall portion (see figure 1).

Regarding claim 13, Misorita discloses the covering (1), wherein a second wall portion (see figure 1) extends from a connection point of said second sealing member (17) and faces said second sealing member (17), and wherein said second wall portion has a smaller diameter than the first wall portion (see figure 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misorita et al (JP 06231642A; hereinafter Misorita).

Regarding claim 3, Misorita discloses the claimed invention except for the circumference at a free end of the first sealing member being larger than the circumference of a free end of the second sealing member. It would have been an obvious matter of design choice to make the circumference at a free end of the first sealing member larger than the circumference of a free end of the second sealing member, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Regarding claim 14, Misorita discloses the claimed invention except for the distance between the connection point of the second sealing member and a free end of the second sealing member being substantially the same as an axial length of the second wall portion. It would have been an obvious matter of design choice to make distance between the connection point of the second sealing member and a free end of the second sealing member substantially the same as an axial length of the second wall portion, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

4. Claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 15-19 is:

Regarding claims 15-19, the prior art does not teach or fairly suggest in combination with the other claimed limitations the covering, wherein the covering substantially encloses a core of a cable entry device.

This limitation is found in claims 15-19, and is neither disclosed nor taught by the prior art of record, alone or in combination.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-11, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pyron et al (US 7,332,678) discloses a covering for a cable entry device.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

October 9, 2008

/Angel R. Estrada/  
Primary Examiner, Art Unit 2831